

इनकी कोई जाँच करायेंगे, अगर उसमें ऐसी संभावना है कि उसकी जाँच पड़ताल करने के बाद उस पर कुछ कार्यवाही हो तो मैं समझता हूँ कि मंत्री जी हाउस में एश्योरेंस देना चाहिये।

**श्री बलवन्त सिंह रामूवालिआ:** मैंने कहा कि पहले भी श्री हनुमन्तप्पा जी ने ऐसी शंका जाहिर की है कि ऐसी कम्युनिटीज का नम्बर बढ़ता जायेगा, जो मूलतः समस्याएँ हैं उनको नजर-अंदाज करना भी कठिन है। लेकिन इतने बड़े फ्लड गेट को खोलना भी कोई आसान बात नहीं है। माननीय चेयर ने अभी डायरेक्शन दी है कि हाउस को इसमें कुछ कार्यवाही करनी चाहिये। फिर हाउस पर ही छोड़ा जायेगा। वे जैसा मुझे हुक्म करेंगे और उसके मुताबिक मैं करूँगा।

THE DEPUTY CHAIRMAN: Now, Q.No. 304.

**श्री महेश्वर सिंह:** मैडम, ... (व्यवधान)....

**उपसभापति :** नहीं, वह बिहार से संबंधित क्वेश्चन है, उसमें हम इधर-उधर नहीं जायेंगे।

No, I am sorry. ... (Interruptions)...

#### **Delegation of powers to States for renewing the Mining Leases**

\*304. SHRI PARAG CHALIHA: Will the Minister of MINES be pleased to state:

(a) whether Government propose to delegate powers to States to renew mining leases and prospective licences;

(b) if so, the details thereof;

(c) whether Government have constituted a committee in this regard;

(d) if so, the details thereof alongwith the composition of the committee; and

(e) by when the committee is likely to submit its report?

THE MINISTER OF STEEL AND MINERALS (SHRI BIRENDRA PRASAD BAISHYA): (a) to (e) A Statement is laid on the Table of the House.

#### **Statement**

(a) and (b) The Central Government, in exercise of the powers conferred by Sub-Section (1) of Section 26 of the Mines and Minerals (Regulation & De-

velopment) Act, 1957 have directed (vide Notification No. 69 (E) dated 30th January, 1997), that the powers for renewal exercisable by it under Sub-Section (2) of Section 7 and Sub-Section (2) of Section 8 of the Act, in respect of minerals specified in Part-C of the First Schedule to the Act, in an area in a State shall be exercisable also by the Government of that State.

(c) to (e) The Central Government have Constituted a Committee under the Chairmanship of Secretary (Mines), Government of India with Additional Secretary, Ministry of Mines as Vice Chairman, Mining Secretaries of State Governments of Orissa, Rajasthan, Karnataka, Madhya Pradesh, Andhra Pradesh, Bihar, Gujarat, Assam and Himachal Pradesh, Secretary General, Federation of Indian Mineral Industries and Controller General of Indian Bureau of Mines, as Member and Joint Secretary, Ministry of Mines as Member Secretary. The terms of reference of the Committee *inter-alia* include review of the existing laws and procedures governing regulation and development of minerals and to recommend steps to make them compatible with the policy changes and to suggest steps to reduce delays in grant/renewal of Prospecting Licence/Mining Lease. The Committee is also to consider and suggest further delegation of powers to the State Governments regarding grant/renewal of Prospecting Licence/Mining Leases and measures to be taken to prevent illegal mining. The Committee is expected to submit its report as early as possible.

SHRI PARAG CHALIHA: Madam, my first supplementary is this: I would like to know from the hon. Minister details of minerals listed in Part-C of the First Schedule of the Mines and Minerals (Regulation and Development) Act, 1957. As per the written reply, these minerals have been deleted from there vide notification number so and so. In this connection, I would like to know from the Minister the reason which prompted him to this sort of deletion and

what has been the impact thereof. I would also like to know whether the Minister proposes to delete the entire First Schedule. If so, why? SHRI BIRENDRA PRASAD BAISHYA: Madam, in the First Schedule of the Mines and Minerals (Regulation and Development) Act, 1957, there are three categories of minerals. Number one—coal and lignite; number two—atomic minerals, under this category there are 11 items and number three—metallic and non-metallic minerals; under this category there are 11 minerals.

As far as delegation of power is concerned, after liberalisation of our economy in 1991, the Mineral Policy was announced in 1993 and thereafter the Mines and Minerals (Regulation and Development) Act, 1957 was amended in 1994. As a result of that, more powers have been given to the State Governments. Madam, 15 minerals have been excluded from the Central List.

SHRI PARAG CHALIHA: What are they?

SHRI BIRENDRA PRASAD BAISHYA: Madam, these 15 minerals belong to the First Schedule for which exclusive power has been given to the State Governments. These 15 minerals are: apatite and phosphate ores, barytes, dolomite, gypsum, kyanite, magnesite, molybdenum, Nickel, sillimanite, silver, sulphur and its ores, tin, platinum and other precious metals, tungsten and vanadium ore. So, these are the 15 minerals which have been excluded from the Central List. SHRI PARAG CHALIHA: Madam, the second part of my supplementary has not been answered. I wanted to know whether the Minister had any plan to delete all the provisions of the First Schedule.

SHRI BIRENDRA PRASAD BAISHYA: Madam, there is a demand from the respective State Governments

that more powers should be delegated to them in respect of mining programmes. As far as Schedule One is concerned, I am very happy to inform the House that on 27th December a Conference of State Mining Ministers was held in Delhi. After that Conference, a high-level Committee consisting of representatives of several State Governments, Indian Bureau of Mines and the mining industries was suggested to be set up. This Committee has already been constituted under the chairmanship of the Secretary, Mines. This Committee will examine all these things and submit a report. *...(Interruptions)...*

THE DEPUTY CHAIRMAN: Shri John F. Fernandes. *...(Interruptions)...* He wants to put one more supplementary. *...(Interruptions)...* I think he was not satisfied with the answer. SHRI PARAG CHALIHA: Madam, it has repeatedly been stated that the North-Eastern Region is very rich, but very poor people like me live there. I would like to know from the Minister whether any up-to-date survey has been made with regard to the existence of various minerals in the region. If it has not been done, I would like to know whether he would give a serious thought to it. *...(Interruptions)...* SHRI BIRENDRA PRASAD BAISHYA: Madam, like the hon. Member, I also represent the North-Eastern Region of our country. I do agree with the hon. Member that the North-Eastern Region is very rich in mineral resources. The Geological Survey of India conducted a Survey and aerial survey, of the North-Eastern Region. It has been done for the first time. Because the United Front Government believes in federalism, Madam, it is for the first time that a task force has been constituted for the North-Eastern Region to go into the details of the problems faced by the mining sector in the North-Eastern Region.

SHRI JOHN F. FERNANDES: Madam, the hon. supreme Court

has given a green judgment, (interruptions)... The Government has given powers to the State Governments. I would like to know from the hon. Minister whether he is aware that in the name of renewal of leases new leases are being issued to private mine-owners and the forests are being destroyed. I would also like to know whether the powers that have been given to the State Governments will be withdrawn and will be taken over by the Central Government because a Central Appellate Tribunal has been set up under the Forests Conservation Act in view of the judgment of the hon. Supreme Court.

SHRI BIRENDRA PRASAD BAISHYA: Madam, the hon. Member's question consists of two parts. The first part relates to the problem arising out of the judgment of the Supreme Court with regard to the Forests Conservation Act. In the second part of his supplementary, the hon. wants to know whether the Central Government is going to withdraw this power from the State Government or not. Madam, as far as the first part of the supplementary is concerned, the Ministry of Forests and Environment is the nodal Ministry. So, it would be better if a separate notice is given for that Ministry. With regard to the second supplementary, I would like to say that I have already stated categorically that the United Front Government believes in federalism. We are giving more powers to the State Governments. In view of this commitment and interests of the States, we have already constituted a high-level Committee under the chairmanship of the Secretary, Mines. This Committee will go into all these details and submit a report as early as possible.

SHRI GOVINDRAM MIRI: Madam, the hon. Minister has stated "that a Committee has been set up to consider and suggest further delegation of powers to the State Governments regarding grant and renewal of licences, etc. and to take

measures to prevent illegal mining. Madam, so far as my knowledge goes, as per the law the minerals under the earth vest with the State Governments. I would like to know from the Minister when there is such a thing in law, then why the Central Government is coming in the way of the State Governments in the mining sector. The Central Government can interfere only in matters relating to pollution.

SHRI BIRENDRA PRASAD BAISHYA: I would request the hon. Member to repeat his question.

SHRI GOVINDRAM MIRI: Minerals' under the earth are vested with the State Governments. When there is such a provision in the law, then why is the Central Government coming in the way of the State Governments when they deal with matters other than pollution in the mining sector. I would like to know the position in this regard?

SHRI BIRENDRA PRASAD BAISHYA: Madam, according to the Mines and Minerals Regulation Development Act, 1957, power is vested with the State Government in respect of minor minerals. For minor minerals, no approval is required from the Central Government. But, for minerals which come

under Schedule I, approval the Central Government is required.

SHRI K. RAHMAN KHAN: Madam, the National Mineral Development Corporation which is holding a large portion of iron ore mining lease in Karnataka has surrendered thousands of acres of leased land. They have not exploited the land which was given to them for long lease. I would like to know from the hon. Minister whether the State Government is free to recommend to others or use the leased mining land for mineral exploitation. I would also like to know whether the Central Government still insists for an NOC from the National Mineral Development Corporation even when the leased land was surrendered by the NMDC.

SHRI BIRENDRA PRASAD BAISHYA: Madam, this question is not related to the original question. So, I need a separate notice.

SHRI S.S. SURJEWALA: Madam, Shri Miri has said that mining is a Central subject and not a State subject. Next door to Delhi areas, which are falling within the districts of Gurgaon and Faridabad, they are large tracts of areas—sunny hills, ridges, tracts and a lot of forest—where indiscriminate mining, which is totally illegal, is taking place. The area has completely been degraded by very dishonest people. Mining is done by people who have no right and they are even not caring for any norms. I would like to ask the hon. Minister, if power is wholly given to the State Government, what are the safeguards provided by the Central Government? I would also like to say that it is common knowledge that everywhere, particularly, in areas I am referring to, there is a mafia which is in operation. The mafia is so powerful that it can defy the State Government, it can defy your officers and the authorities are pigmies before these gangs. They are totally destroyed the area, degraded it and it is a great national loss. What measures does the Government propose to take? What do you do about this?

SHRI BIRENDRA PRASAD BAISHYA: I am really thankful to the hon. Member as he has put a very, very urgent and important question in the interest of the nation's economy and in the interest of national integrity. I am very happy to inform you that the Government of India has already constituted a committee under the Chairmanship of the Secretary, Mines, consisting of representatives of several State Governments, representatives from Indian Bureau of Mines and representatives from the Indian Mineral Industries. The Committee will examine the lacunae. There are certain lacunae in the mining activity. Nodoubt, illegal mining activity, in our country, is going on. There are certain lacunae. To identify these

lacunae, to stop this illegal mining, this Committee has been constituted. The Committee will submit its report as soon as possible.

SHRI S.S. SURJEWALA: The present law must check it.

THE DEPUTY CHAIRMAN: The Minister has clearly said that these are the issues which the Committee will go into because not only is it concerned with the Mining Ministry but also is concerned with the Environment Ministry. So, degradation of the soil has to be considered. I am happy that he is doing it.

SHRI S.S. SURJEWALA: Madam, by the time the report comes, the damage has already been done.

SHRI SURESH A. KESWANI: Madam, Committees which are being constituted do not seem to have any dead line. Everytime a question arises; we constitute a committee and leave it without mentioning as to within what timeframe the Committee is supposed to submit its report and what is going to be our next plan of action. If the nation has to achieve any meaningful result of whatever we have been deliberating here, will the Minister make sure that the Committee, which has been constituted, has a time-bound programme to submit its report?

SHRI BIRENDRA KUMAR BAISHYA: Hon'ble Madam, it is a very important question regarding the time-bound programme. I am a new Minister, I am a new comer into this arena. But, I believe in a time-bound programme. I am confident that within six months the Committee will submit its report.

#### **Poor Industrial Growth**

\*305. SHRI AMAR SINGH: Will the Minister of INDUSTRY be pleased to state:

(a) whether Government are aware that industrial growth during the first half of the current financial year dipped to 4.8% as against the 12.8% during the period from April to September last years.